

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

[1]	CLINT BIBLE,	)	
		)	
	Plaintiff,	)	Case No: 16-cv-00731-JED-FHM
		)	
vs.		)	
		)	
[1]	GRAYBAR ELECTRIC COMPANY, INC.,	)	Mayes County Case No: CJ-2016-180
		)	<b>JURY TRIAL DEMANDED</b>
	Defendant.	)	

**DEFENDANT GRAYBAR ELECTRIC COMPANY, INC.’S  
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant, Graybar Electric Company, Inc. (“Defendant” or “Graybar”), (“Graybar”) and files its *Notice of Removal* pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully shows the Court as follows:

**INTRODUCTION**

1. Plaintiff, Clint Bible (“Plaintiff” or “Mr. Bible”), filed Plaintiff’s *Petition* on November 2, 2016, in the District Court in and for Mayes County, Oklahoma.
2. Graybar’s Registered Agent for the State of Oklahoma was served with a Summons and an unsigned copy of the *Petition* on November 17, 2016.
3. The *Petition* seeks judgment from Defendant in excess of \$75,000.00, the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.
4. Defendant has not filed a responsive pleading to the *Petition*.

### **JURISDICTION**

5. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1441 and 1446, and based on diversity of citizenship under 28 U.S.C. § 1332.

6. Upon information and belief, Mr. Bible is a resident and citizen of the State of Oklahoma.

7. Graybar is a New York corporation with its principal place of business in Clayton, Missouri<sup>1</sup>.

8. Plaintiff's *Petition* seeks actual damages in excess of \$75,000.00, exclusive of taxable costs and interest, an amount in excess of the jurisdictional minimum stated in 28 U.S.C. § 1332.

9. A copy of all pleadings, processes, and orders served upon Graybar in the state court action are attached to this *Notice* as required by 28 U.S.C. § 1446(a), as Exhibits 1 through 3.

10. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

11. Defendant will promptly file a Notice of Removal with the clerk of the state court where the action has been pending.

### **CONCLUSION**

For these reasons, Graybar gives notice of its removal of this lawsuit to this Court, and provides notice of the automatic stay of further proceedings in the state district court.

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<sup>1</sup> The *Petition* incorrectly alleges that the State of New York is Graybar's principal place of business.

Respectfully submitted,

**HOLDEN & CARR**

*/s/Nicholaus A. Hancock*

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Steven E. Holden, OBA #4289  
Timothy S. Harmon, OBA #11333  
Nicholaus A. Hancock, OBA #31576  
15 East 5<sup>th</sup> Street, Suite 3900  
Tulsa, OK 74103  
(918) 295-8888; (918) 295-8889 fax  
[SteveHolden@HoldenLitigation.com](mailto:SteveHolden@HoldenLitigation.com)  
[TimHarmon@HoldenLitigation.com](mailto:TimHarmon@HoldenLitigation.com)  
[NicholausHancock@HoldenLitigation.com](mailto:NicholausHancock@HoldenLitigation.com)  
*Attorneys for Defendant Graybar Electric  
Company, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Gary A. Eaton  
EATON & SPARKS  
1717 East 15<sup>th</sup> Street  
Tulsa, Oklahoma 74014

Gerald R. Lee  
117 South Adair  
P.O. Box 1101  
Pryor, Oklahoma 74362

*/s/ Nicholaus A. Hancock*  
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Nicholaus A. Hancock